

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANTHONY G. HERBERT,

Petitioner,

v.

WAYDE SILVA,

Respondent.

Case No. C14-763-MJP

ORDER OF DISMISSAL

The Court, after careful consideration of petitioner's 28 U.S.C. § 2254 petition for writ of habeas corpus, the Report and Recommendation of the Honorable James P. Donohue, the governing authorities and the balance of the record, does hereby find and ORDER:

(1) The Court adopts the Report and Recommendation.

(2) The habeas petition (Dkt. 5) is DENIED and this case is DISMISSED without prejudice.

(3) In accordance with Rule 11 of the Rules Governing Section 2254 Cases in the United States District Courts, a certificate of appealability is DENIED with respect to the grounds asserted by petitioner in his habeas petition.


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ORDER OF DISMISSAL
PAGE - 1

1 (4) The Clerk is directed to send copies of this Order to petitioner, counsel for
2 respondent and Judge Donohue.

3 DATED this 30th day of June, 2014.

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6 MARSHA J. PECHMAN
7 United States District Judge
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